

## MEMORANDUM

Agenda Item No. 7(G)

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**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**DATE:**

(Second Reading 10-2-07)  
July 24, 2007

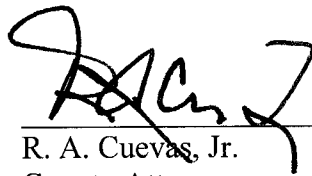
**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:**

Ordinance amending Section  
2-8.1 of the Code relating to  
allowing for one-time vendor  
registration application and  
requiring vendors to verify  
accuracy of information in  
their registration application  
prior to the award of a county  
contract

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The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Rebeca Sosa.



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R. A. Cuevas, Jr.  
County Attorney

RAC/bw

# Memorandum



**Date:** October 2, 2007

**To:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**From:** George M. Burgess  
County Manager

**Subject:** Ordinance Amending Section 2-8.1 of the Code relating to allowing for one-time vendor registration application and requiring vendors to verify accuracy of information in their registration application prior to the award of a county contract

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The ordinance allowing for one-time vendor registration application and requiring vendors to verify accuracy of information in their registration application prior to the award of a county contract will not have fiscal impact to Miami-Dade County.

  
\_\_\_\_\_  
Jennifer Glazer-Moon, Director  
Office of Strategic Business Management

fis02707




# MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

DATE: October 2, 2007

FROM:   
R. A. Cuevas, Jr.  
County Attorney

SUBJECT: Agenda Item No. 7(G)

Please note any items checked.

\_\_\_\_\_ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised

\_\_\_\_\_ 6 weeks required between first reading and public hearing

\_\_\_\_\_ 4 weeks notification to municipal officials required prior to public hearing

\_\_\_\_\_ Decreases revenues or increases expenditures without balancing budget

\_\_\_\_\_ Budget required

\_\_\_\_\_ Statement of fiscal impact required

\_\_\_\_\_ Bid waiver requiring County Manager's written recommendation

\_\_\_\_\_ Ordinance creating a new board requires detailed County Manager's report for public hearing

\_\_\_\_\_ Housekeeping item (no policy decision required)

\_\_\_\_\_ No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 7(G)  
10-02-07

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY TO ALLOW FOR ONE-TIME VENDOR REGISTRATION APPLICATION AND REQUIRING VENDORS TO VERIFY ACCURACY OF INFORMATION IN THEIR REGISTRATION APPLICATION PRIOR TO THE AWARD OF A COUNTY CONTRACT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:**

Section 1. Section 2-8.1 of the Code of Miami-Dade County, Florida is hereby amended as follows:<sup>1</sup>

**Sec. 2-8.1 Contracts and purchases generally.**

\* \* \*

*(d) Disclosure required of contractors and entities transacting business with Miami-Dade County.*

- (1) All contracts or business transactions or renewals thereof with Miami-Dade County, or any person or agency acting for Miami-Dade County, including but not limited to: Contracts for public improvements; contracts for purchase of supplies, materials or services; and leases, franchises, concessions or management agreements, shall require the person contracting or transacting such business with the County to disclose under oath his or her full legal name, and business address. Such contract or transaction shall also require the disclosure under oath of the full legal name and business address of all individuals having any interest (legal, equitable, beneficial or otherwise) in the contract; provided, however, no disclosure shall be required of subcontractors, material men, suppliers, laborers or lenders. Post office box addresses shall not be

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<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

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accepted hereunder. If the contract or business transaction is with a corporation the foregoing information shall be provided for each officer and director and each stockholder holding, directly or indirectly, five (5) percent or more of the outstanding stock in the corporation. If the contract or business transaction is with a partnership, the foregoing information shall be provided for each partner. If the contract or business transaction is with a trust, the foregoing information shall be provided for the trustee and each beneficiary of the trust. All assignments of any such contract or transaction, if otherwise authorized, shall comply with the provisions hereof. All transferees of interests required to be disclosed hereunder shall within thirty (30) days of the transfer notify the County that the transfer has occurred. The County Manager shall include in the resolution approving any assignment of any contract or business transaction or transfer of interest therein, or any change of ownership in contracts with the County, the names and business addresses of the officers, directors, partners or trustees, as applicable, of the companies involved in the contract assignment or business transaction or transfer of interest therein, or change of ownership. Notwithstanding anything in this section to the contrary, the foregoing disclosure requirements shall not apply to contracts with publicly-traded corporations, or to contracts with the United States or any department or agency thereof, the State or any political subdivision or agency thereof, or any municipality of this State. Any contract or transaction entered into in violation of this section shall be voidable.

- (2) Except where precluded by federal or state law or regulations, each contract or business transaction or renewal thereof specified in the first sentence of subsection (1) of this Section 2-8.1(d) shall also require the entity contracting or transacting such business to disclose the following additional information under oath:
  - (i) Whether the entity has a collective bargaining agreement with its employees; and
  - (ii) Whether the entity provides company paid health care benefits to be paid to employees; and
  - (iii) A current breakdown of the entity's work force and ownership as to race, national origin and gender; and

- (iv) Any other information as may be required by Administrative Order. The foregoing disclosure requirements shall not apply to contracts with the United States or any department or agency thereof, the State or any political subdivision or agency thereof, or any municipality of this State.
- (3) ~~[[The foregoing notwithstanding, contracts and business transactions with entities, persons and agencies who have filed a completed disclosure affidavit as part of their current vendor application with the County which discloses the above information shall be exempt from the requirement of sub-subsections (1) and (2) of this subsection (d).]]~~ >Any and all requirements for affidavits, oaths or affirmations contained in Sections 2-8.1(d), 2-8.1.2(b), 10-38, 2-8.1(c), 2-8.1(i), 2-11.1, 11A-30, 2-8.9, 11A-60 of the Code of Miami-Dade County and Resolution R-182-00 shall be satisfied by the proper completion of a uniform County affidavit packet to be developed for this purpose by the Department of Procurement Management (the "Uniform County Affidavit") and maintained with the proposer's vendor registration file. A duly executed Uniform County Affidavit shall be on file prior to the award of any County contract and the sufficiency and veracity of the Uniform County Affidavit shall, at all times, be the responsibility of the vendor or proposed contractor. The execution of any contract shall be deemed a representation by the vendor or proposed contractor that a duly executed Uniform County Affidavit is on file, and that it is true and accurate through the date of bid or proposal submission. No vendor or proposed contractor shall be eligible for award unless the requirements of this Section are duly satisfied. Bid documents shall contain a statement alerting bidders of the requirements of this Section.<<
- (4) Any person who willfully fails to disclose the information required by subsection (1) of this Section 2-8.1(d), or who knowingly discloses false information in this regard, shall be punished by a fine of up to five hundred dollars (\$500.00), or by imprisonment in the County Jail for up to sixty (60) days, or both in the discretion of the court.

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Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any Sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective within ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Oren Rosenthal

Sponsored by Commissioner Rebeca Sosa